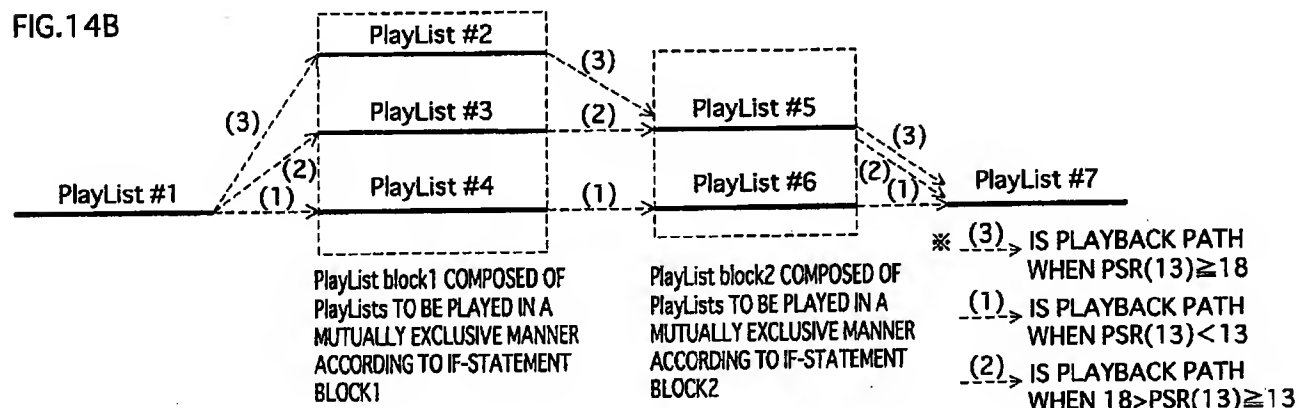## REMARKS

Applicant appreciates the indication of allowable subject matter of Claims 2, 5-10 and 12 but requests that this indicated allowable subject matter be held in abeyance in view of the following response to the presentation of a new rejection with new art.

Our present invention, for example, as defined in Claim 3, discloses a playback device that is capable of playing a digital stream recorded on a recording medium wherein there are a plurality of pieces of playback path information recorded thereon. The playback path information can correspond to alternative PlayLists to form a playlist block wherein the individual PlayLists are to be played back in a mutually exclusive manner according to an "if" statement block that can be determined based on a value indicative of the age of a user.

For example, referring to Figure 14B, a summary of playback orders of the PlayList, according to a value of 13, is illustrated:

FIG.14B

PlayList #2

PlayList #3   PlayList #5

PlayList #1   PlayList #4   PlayList #6   PlayList #7

PlayList block1 COMPOSED OF PlayLists TO BE PLAYED IN A MUTUALLY EXCLUSIVE MANNER ACCORDING TO IF-STATEMENT BLOCK1

PlayList block2 COMPOSED OF PlayLists TO BE PLAYED IN A MUTUALLY EXCLUSIVE MANNER ACCORDING TO IF-STATEMENT BLOCK2

※ (3) IS PLAYBACK PATH WHEN PSR(13)≧18

(1) IS PLAYBACK PATH WHEN PSR(13)<13

(2) IS PLAYBACK PATH WHEN 18>PSR(13)≧13

An explanation of Figure 14B can be found, for example, in our U.S. Patent Publication 2009/0034939, as follows:

[0110] The if-statement Block 1 includes: PlayPL#4 to be executed when PSR(13) indicates 13 years old or younger; PlayPL#3 to be executed when

PSR(13) indicates 18 years old or older; and PlayPL#2 to be executed when PSR(13) indicates 14 years of age or older but under the age of 18. According to the if-statement block, one of PLs#4, #3 and #2 is selectively played. On the other hand, the if-statement Block 2 includes: PlayPL#6 to be executed when PSR(13) indicates 13 years old or younger; and PlayPL#5 to be executed when PSR(13) indicates over 13 years old. The if-statement block enables one of PLs#6 and #5 to be selectively played.

[0111] FIG. 14B shows a summary of playback orders of PlayLists according to the value of PSR(13). The arrow (1) is a playback path with the value of PSR(13) indicating 0 year of age or older but under the age of 13. In this case, PlayLists are played in the order of PlayList#1 → PlayList#4 → PlayList#6 → PlayList#7.

[0112] The arrow (2) is a playback path with the value of PSR(13) indicating 13 years of age or older but under the age of 18. In this case, PlayLists are played in the order of PlayList#1 → PlayList#3 → PlayList#5 → PlayList#7. The arrow (3) is a playback path with the value of PSR(13) indicating 18 years old or older. In this case, PlayLists are played in the order of PlayList#1 → PlayList#2 → PlayList#5 → PlayList#7.
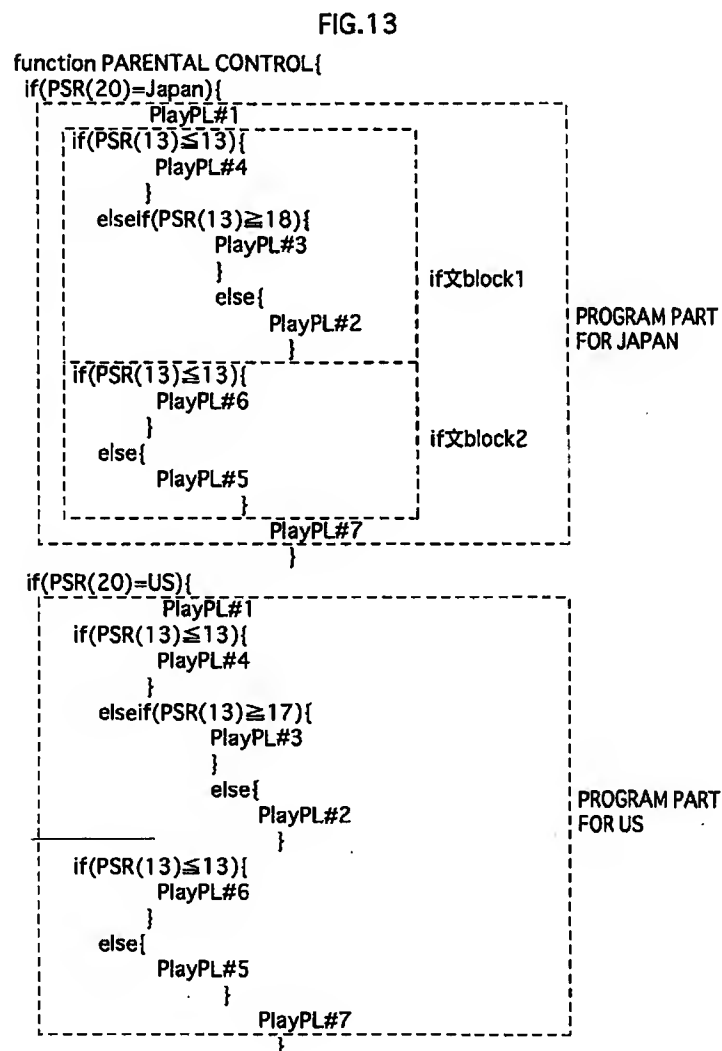
As can be seen from Figure 14B, if the viewer is 13 years old or younger (1), the playback will continue from PlayList #1 through PlayList #4, through PlayList #6 and then continue PlayList #7. In essence, the audio and video stream is altered in the playback to provide both visual and audio responses that can be seamlessly inserted between PlayList #1 and PlayList #7 while complying with a parental control indicative of both age and the cultural standards of the individual country.

The "if" block can respond if the viewer is older than 13, for example 14 years of age, but under the age of 18 (2) so that an alternative sequence of a plurality of pieces of playback information represented by PlayList #3 and PlayList #5 is then interposed between PlayList #1 and PlayList #7.

Additionally, if a viewer is 18 years or older (3), the viewer can watch PlayList #2 and PlayList #5, between PlayList #1 and PlayList #7.

Accordingly, our Claim 3 defines a plurality of pieces of playback path information that are recorded in the digital stream, and an execution unit that refers to a status register storing a value indicative of the age of the user to select individual pieces of playback path information as a result of the age comparison to play back the audio and visual information based on a mutually separate selection of playback lists consistent with the viewer's age or a particular country.

A dynamic scenario that can be varied based on different countries can be seen, for example, in Figure 13, as follows:

FIG.13

```
function PARENTAL CONTROL{
  if(PSR(20)=Japan){
    PlayPL#1
    if(PSR(13)≦13){
      PlayPL#4
    }
    elseif(PSR(13)≧18){
      PlayPL#3
    }
    else{
      PlayPL#2
    }                        if文block1
    if(PSR(13)≦13){
      PlayPL#6
    }
    else{                    if文block2
      PlayPL#5
    }
    PlayPL#7
  }
  if(PSR(20)=US){
    PlayPL#1
    if(PSR(13)≦13){
      PlayPL#4
    }
    elseif(PSR(13)≧17){
      PlayPL#3
    }
    else{
      PlayPL#2
    }
    if(PSR(13)≦13){
      PlayPL#6
    }
    else{
      PlayPL#5
    }
    PlayPL#7
  }
```

PROGRAM PART FOR JAPAN

PROGRAM PART FOR US

An editor of a visual medium to be displayed, such as movies, thereby has the choice of editing the sequence of play of the movie by incorporating alternative scenes as segments that are part of the digital stream and can be alternatively selective based on the age of the user, as appropriate for the particular country to thereby enable an appropriate universal parental control. The editor of the digital work, in correlation with a program entered into a playback device, enables a continual audio visual display satisfactory for use below the age of 18. This is accomplished in a unique manner that does not increase the production costs or require separate recording mediums. As a result of the advantages of increased storage capacity, for example a BD disk, the editor is provided with an economical and seamless solution to meet the demands of a responsible parent in different countries. This can be provided at a desirable cost to the consuming public.

The Office Action rejected Claims 1, 3, 11 and 13-15 over applicant's *Yahata et al.* (U.S. Patent Publication 2006/004548) which has now issued as U.S. Patent No. 7,412,152 over *Gudorf et al.* (U.S. Patent Publication 2002/0133708).

The *Yahata et al.* reference was cited to teach a recording medium, a digital stream, a plurality of playback path information and a control program for instructing a playback device to play a digital stream using the playback path information. A person of ordinary skill in this field would appreciate *Yahata et al.* taught improvements for realizing an interactive control between a viewer by the provision of a menu with buttons, including buttons utilizing animation.

In such an environment, the time required to download and process graphic data to enable a display of buttons that could each have, for example, a normal state, a selective state and an active state places a significant burden on a processor for decoding such data, thereby causing in the prior art, a delay in time to impede a realization of a fully interactive control by the user.

Yahata et al. teaches a utilization of time stamps included in the packet of data that enable decoded graphic data to be displayed immediately in response to a user operation, even if decoding for the entire graphics data sequence has not been completed. For example, the initial button can be displayed while the subsequent data associated with the button has yet to be decoded and stored.

Yahata et al. at most suggests a parental viewing control based on a rating level which cannot be adapted or used as a playback control description in different countries in the same manner as defined in our current claims. *Yahata et al.* does not provide a playback control for controlling the viewing of extreme scenes and a control to change to scenes to be played according to the age of the user, and further, does not take into account a possible implementation in different countries based upon separate and different individual parental controls adopted by such regulatory agencies in such countries.

The *Gudorf et al.* reference is concerned about a juvenile accessing inappropriate content on a website over the Internet. Accordingly, *Gudorf et al.* seeks to prevent unauthorized access to undesirable websites and to ensure that the website visitors are of a proper age. There is certainly no teaching or suggestion in *Gudorf et al.* to compare a value such as "age" stored in a status register, to select at least one of a plurality of pieces of playback path information that is to be streamed for display according to the result of a comparison on the website.

Gudorf et al. simply prohibits access and/or alternatively notifies a parent if the parent's e-mail address is recorded. *Gudorf et al.* of course does not teach nor suggest that a website will continue playing a digital stream based on a selection of at least one of a plurality of pieces of playback path information in accordance with the age. *Gudorf et al.* in essence provides simply

a permission to see the website that is appropriate for the age or to completely block access to the website from that particular computer.

Accordingly, *Yahata et al.* only teaches parental viewing control based on a rating level but does not suggest altering pieces of playback path information to permit a seamless presentation of a movie.

Gudorf et al. is a keeper of the gate in accessing or denying access to a website with the further feature of electronically notifying the parent of an attempt to access a restricted website.

In summary, the Office Action recognized that the *Yahata et al.* reference failed to disclose "a selection procedure which causes the playback device to prepare a value stored in a status register to a constant, and select at least one of the pieces of playback path information according to result of the comparison, the value indicating an age of a user set on the playback device." See Paragraph 3, Pages 2-3 of the Office Action. Purportedly, the *Gudorf et al.* reference must be relied upon to resolve this deficiency.

However, the *Gudorf et al.* reference simply responds to the user's age and any permissive consent provided by a parental authority with subsequent processing being performed according to the result of the comparison.

The processing taught by *Gudorf et al.* is to either (1) enable access to a website, or (2) prohibit access to a website inappropriate to the user's age while transmitting an e-mail to the parental authority. There is no teaching of having a website present alternate "pieces of playback path information" to a user based on age.

Combining the teaching of these two respective references would be incapable of meeting our current claim language in not only Claim 3, but also respectively, in the other rejected Claims 1, 11, 13, 14 and 15.

As can be appreciated, the dependent claims from Claim 3 should also be allowable such as Claim 11, which uniquely describes status registers storing a numeric age of a user while another status register stores the date of a birth of the user and an age-indicting numeric is calculated from the date of birth and a current date, thereby enabling the execution of the control program to appropriately perform a selection of at least one of the pieces of playback path information that can be performed as a result of this execution.

By executing such a selection procedure, it is also possible to perform a flexible playback control such as a control of viewing of extreme scenes and control of changing scenes to be played according to the age of the user. These advantages can be achieved in different countries with different standards by providing a DVD-video playback paths having multiple playback levels for each country, since such playback paths can be enabled by the appropriate definition of parental control for each country, by executing selection procedures using a code of the country as a parameter.

Not only should the concept of the invention be found in the prior art, but further, any cited structural elements in a prior art reference should be performing the same function with the same technical understanding to a person of ordinary skill in the field as the invention claims at issue. Indeed, MPEP § 2111 states:

> The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). (emphasis added).

The Office Action acknowledged that the *Yahata et al.* reference did not teach the features of the present invention as set forth in our independent claims. It is believed that a
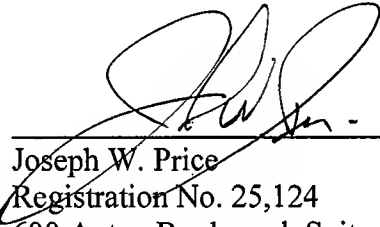
careful review of the actual teaching of *Gudorf et al.* will validate that the combination of these two references would not be obvious to a person of ordinary skill in the field and further, would not permit a solution as defined by our claims.

It is respectfully submitted that the present application is in condition for allowance and an early notification of the same is requested.

If the Examiner believes a telephone interview will assist in the prosecution of this case, the undersigned attorney can be contacted at the listed phone number.

Respectfully submitted,

SNELL & WILMER L.L.P.

Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626
Tel: 714-427-7420
Fax: 714-427-7799